

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Charles Culp,

Plaintiff,

vs.

Lupe Reyes, et al.,

Defendants.

No. CV-24-03476-PHX-SPL

ORDER

Plaintiff Charles Culp filed a Complaint pursuant to 42 U.S.C. § 1983. (Doc. 1). The Honorable Alison S. Bachus, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 15), recommending the Court dismiss this action for failure to prosecute and comply with Court orders.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b); *see also* Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”). When a party files a timely objection to an R&R, the district judge reviews *de novo* those portions of the R&R that have been “properly objected to.” Fed. R. Civ. P. 72(b)(3). A proper objection requires specific written objections to the findings and recommendations in the R&R. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1118–19 (9th Cir. 2003); 28 U.S.C. § 636(b)(1). It follows that the Court need not conduct any review of portions to which no specific objection has been made. *See Reyna-Tapia*, 328 F.3d at 1121; *see also*

1 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (discussing the inherent purpose of limited review
2 is judicial economy). Further, a party is not entitled as of right to *de novo* review of
3 evidence or arguments which are raised for the first time in an objection to the R&R, and
4 the Court’s decision to consider them is discretionary. *United States v. Howell*, 231 F.3d
5 615, 621–622 (9th Cir. 2000).

6 On April 7, 2025, the Court ordered Plaintiff to file a notice of change of address or
7 show cause why this action should not be dismissed for failure to comply with the Court’s
8 Order. (Doc. 11). The Order was returned to the Court as undeliverable (Doc. 12), and
9 Plaintiff has otherwise taken no action. In the R&R, the Magistrate Judge recommends the
10 action be dismissed in light of Plaintiff’s failure to prosecute this action and failure to
11 comply with the Court’s clear order that he keep the Court apprised of any address changes.

12 The parties did not file objections, which relieves the Court of its obligation to
13 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
14 (1985) (“[Section 636(b)(1)] does not... require any review at all... of any issue that is not
15 the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine
16 *de novo* any part of the magistrate judge’s disposition that has been properly objected to.”).
17 The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
18 thus adopt the R&R in full. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may
19 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
20 magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the
21 recommended disposition; receive further evidence; or return the matter to the magistrate
22 judge with instructions.”). Accordingly,

23 **IT IS ORDERED** that the Report and Recommendation (Doc. 15) is **accepted** and
24 **adopted** by the Court.

25 ///

26 ///

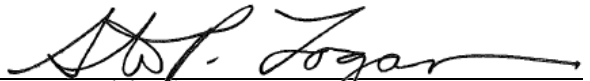
27 ///

28 ///

1 **IT IS FURTHER ORDERED** that the Complaint (Doc. 1) is **dismissed without**
2 **prejudice** and the Clerk of Court shall terminate this action.

3 **IT IS FURTHER ORDERED** that all other pending motions are **denied as moot**.

4 Dated this 22nd day of May, 2025.

5
6 
7 Honorable Steven P. Logan
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28